

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-00304-01-CR-W-FJG
FAUSTINO OROZCO-GALVAN,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on April 11, 2011. Defendant Faustino Orozco-Galvan appeared in person and with retained counsel Paul Franco. The United States of America appeared by Assistant United States Attorney Brian Casey.

I. BACKGROUND

On December 14, 2011, an indictment was returned charging defendant with one count of illegal re-entry by an alien previously convicted of an aggravated felony, in violation of 8 U.S.C. §§ 1326(a) and (b)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Casey announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Teresa Suk, Immigration and Customs Enforcement.

Mr. Franco announced that he will be the trial counsel for defendant Faustino Orozco-Galvan.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Casey announced that the government intends to call 6 witnesses without stipulations or 4 witnesses with stipulations during the trial.

Mr. Franco announced that defendant Faustino Orozco-Galvan intends to call no witnesses during the trial. The defendant will not testify.

V. TRIAL EXHIBITS

Mr. Casey announced that the government will offer approximately 20 exhibits in evidence during the trial.

Mr. Franco announced that defendant Faustino Orozco-Galvan will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Franco announced that defendant Faustino Orozco-Galvan will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Franco stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to authentication of records.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 13, 2012, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by April 11, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, April 18, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, April 18, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, April 20, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on April 23, 2011. **A Spanish-speaking interpreter is required.**

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
April 11, 2011

cc: Mr. Kevin Lyon